

Docket No.: FCM1005US
Declaration for Patent Application

**COMBINED DECLARATION FOR PATENT
APPLICATION AND POWER OF ATTORNEY**

As below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled

TREATMENT OF HEPATITIS C USING HYPERTHERMIA

the specification of which (check one)

 is attached hereto.

X was filed on January 14, 2000 in the United States Patent and Trademark Office as Application Serial No. 09/484,360 and was amended on N/A (if applicable).

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

We hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

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PRIORITY FOREIGN APPLICATION(S)

Priority Claimed

N/A	(Number)	(Country)	(Day/month/year filed)	Yes	No
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We hereby claim the benefit under Title 35, United States Code, Section 120 of any United States Application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

N/A	(Application Serial No.)	(Filing Date)	(Status)
			(patented, pending/ abandoned)

We hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith: Thomas E. Popovich (Reg. No. 30,099), Terry L. Wiles (Reg. No. 29,989), Patrick J. O'Connell (Reg. No. 33,984), Christopher D. Gram (Reg. No. 43,643), and Miriam G. Simmons (Reg. No. 34,727).

Address all telephone calls to: Thomas E. Popovich at (612) 334-8991.

Address all correspondence to: Thomas E. Popovich, Popovich & Wiles, PA, Suite 1902, IDS Center, 80 South 8th Street, Minneapolis, Minnesota 55402-2111.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Jan. 30, 1996 5:59PM

POPOVICH & WILES

612-5NO. USL47 P. 4

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Karl Emil Groth
Full name of first joint inventor

7-21-00
Date

United States of America
Citizenship

X Karl, M
Inventor's signature

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Theodore Charles Kelly
Full name of second joint inventor

1 August 2000
Date

United States of America
Citizenship

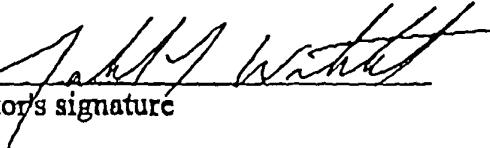
X Theodore Charles Kelly
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Declaration for Patent Application

Todd L. Westerbeck
Full name of second joint inventor

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Inventor's signature

6-28-00
Date

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Inventor's signature

7-18-00
Date

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Post Office Address

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) AND 1.27 (c)) - SMALL BUSINESS CONCERN				Docket No. FCM1005US
Serial No. 09/484,360	Filing Date 01/14/00	Patent No.	Issue Date	
<p>Applicant/ Patentee: Karl Emil Groth, Theodore Charles Kelly, Gary Blick and Todd L. Westerbeck</p> <p>Invention: TREATMENT OF HEPATITIS C USING HYPERTHERMIA</p>				
<p>I hereby declare that I am:</p> <p><input type="checkbox"/> the owner of the small business concern identified below: <input checked="" type="checkbox"/> an official of the small business concern empowered to act on behalf of the concern identified below:</p>				
<p>NAME OF CONCERN: <u>First Circle Medical, Inc.</u></p> <p>ADDRESS OF CONCERN: <u>3989 Central Avenue N.E., Suite 116, Minneapolis, MN 55421</u></p>				
<p>I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.</p>				
<p>I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above identified invention described in:</p> <p><input checked="" type="checkbox"/> the specification filed herewith with title as listed above. <input type="checkbox"/> the application identified above. <input type="checkbox"/> the patent identified above.</p>				
<p>If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).</p>				

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- no such person, concern or organization exists.
- each such person, concern or organization is listed below.

FULL NAME	<hr/>		
ADDRESS	<input type="checkbox"/> Individual	<input type="checkbox"/> Small Business Concern	<input type="checkbox"/> Nonprofit Organization
FULL NAME	<hr/>		
ADDRESS	<input type="checkbox"/> Individual	<input type="checkbox"/> Small Business Concern	<input type="checkbox"/> Nonprofit Organization
FULL NAME	<hr/>		
ADDRESS	<input type="checkbox"/> Individual	<input type="checkbox"/> Small Business Concern	<input type="checkbox"/> Nonprofit Organization
FULL NAME	<hr/>		
ADDRESS	<input type="checkbox"/> Individual	<input type="checkbox"/> Small Business Concern	<input type="checkbox"/> Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Drew McCartney

TITLE OF PERSON SIGNING

OTHER THAN OWNER: Chief Operating Officer

ADDRESS OF PERSON SIGNING: 3989 Central Avenue N.E., Suite 116, Minneapolis, MN 55421

SIGNATURE: 

DATE: 7/23/00